



Jason Leopold <jason.leopold@buzzfeed.com>

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**Fwd: Ack for FOIA Request to OLC, FY19-144**

1 message

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**From:** Jason Leopold <jasonleopold@gmail.com>  
**Sent:** Friday, May 17, 2019 1:01 AM  
**To:** USDOJ-Office of Legal Counsel (SMO) <Ex\_OLC@jmd.usdoj.gov>  
**Subject:** Request for records under the Freedom of Information Act

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

Exhibit C



## REQUESTER INFORMATION

Name: Jason Leopold

Affiliation: Senior Investigative Reporter/BuzzFeed News

Address: 1669 Benedict Canyon Drive

Beverly Hills, CA 90210

Email: [jasonleopold@gmail.com](mailto:jasonleopold@gmail.com)

Phone: 213-270-4334

## RECORDS SOUGHT

I request disclosure from the Department of Justice Office of Legal Counsel the following records:

1. All letters, emails, memos, reports, legal opinions mentioning or referring to Robert Mueller's testimony before Congress.
2. All records, including emails, memos, letters legal opinions and reports, exchanged between the Office of Legal Counsel and the Office of Attorney general memorializing discussions relating to Robert Mueller's testimony before Congress.

The timeframe for this request is March 21, 2019 through the date the search for responsive records is conducted.

**Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):**

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

OLC should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

## INSTRUCTIONS REGARDING SEARCH

1. Request for Public Records:



Please search for any records even if they are already publicly available.

2. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its "soft files" as well as files in its locked cabinets.

3. Request regarding Photographs and other Visual Materials:

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. Request for Duplicate Pages:

I request disclosure of any and all supposedly "duplicate" pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all "duplicate" pages.

5. Request to Search Emails:

Please search for emails relating to the subject matter of my request.

6. Request for Search of Records Transferred to Other Agencies:

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER



I am the senior investigative reporter for BuzzFeed News and formerly senior investigative reporter and on-air correspondent for VICE News. Additionally, my reporting has been published in The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English and Al Jazeera America.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), "Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

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Senior Investigative Reporter  
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@jasonleopold  
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Los Angeles, CA 90038  
Send me documents and tips, securely and anonymously: [tips.buzzfeed.com](https://tips.buzzfeed.com)  
PGP fingerprint: 46DB 0712 284B 8C6E 40FF 7A1B D3CD 5720 694B 16F0  
<https://www.buzzfeednews.com/author/jasonleopold>

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